



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUN 20 2011

The Honorable Michael L. Krancer, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17101

Dear Secretary Krancer:

I am writing at the request of U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson in response to your letter of May 26, 2011, which identified concerns regarding Pennsylvania's urban stormwater management program. This correspondence will serve to address several points identified in your letter and to offer opportunities for continued dialogue between EPA and the Pennsylvania Department of Environmental Protection (PADEP).

I would first like to emphasize that the Chesapeake Bay Total Maximum Daily Load (TMDL) process provided the primary opportunity for the Commonwealth to lead the development of pollution reduction strategies, known as Watershed Implementation Plans (WIP), to meet basin-wide reduction targets. After EPA completed an interstate allocation of nutrient and sediment loads, the Commonwealth developed a WIP to describe how the necessary reductions would be assured over the next 15 years.

Your letter notes that urban stormwater poses only six percent of the load to be reduced to the Bay. More accurately, the urban load is estimated as six percent of the nitrogen load, 10 percent of the phosphorous load and 10 percent of the sediment load, and those percentages have been on the rise across the Bay watershed. In addition, Pennsylvania committed to a 39 percent reduction in nitrogen, phosphorus, and sediment loads from the urban stormwater sector in its final Phase I WIP data input deck. EPA did not impose this commitment on the Commonwealth, but incorporated PADEP's commitment in the Bay TMDL, supplemented by additional reasonable assurance provisions. The high percent reductions in this sector proposed by Pennsylvania are a major concern for EPA considering the size of the overall urban stormwater contribution to the Bay. Moreover, this load will only increase with urbanization and continued growth in the watershed. EPA understands that growth and development rates in the Bay portion of the Commonwealth are more modest than other states; however, this is a significant Bay watershed-wide issue where the trends are threatening to undermine the progress and the financial investments made for the other significant sources, such as municipal wastewater treatment and air controls.